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7 **IN THE UNITED STATES DISTRICT COURT**
8 **IN AND FOR THE DISTRICT OF NEVADA**

9 BREIANNA KEESLING,
10

11 Plaintiff,

12 vs.

COMPLAINT AND JURY DEMAND

13 LUXE INDUSTRIES, LLC,
14

15 Defendant.
_____ /

16 COMES NOW plaintiff, through counsel, who hereby complains of defendant Luxe
17 Industries, LLC (hereinafter “Luxe”) via this Complaint and Jury Demand as follows:

18 Parties, Venue, Jurisdiction and Jury Demand

19 1. Plaintiff is a woman and a resident of northern Nevada, i.e., Reno, Nevada, which is
20 located in Washoe County. All, or almost all, acts, statements, communications and omissions
21 alleged herein occurred in northern Nevada, i.e., in Washoe County, Nevada. Plaintiff hereby
22 requests a jury trial relative to all issues so triable. Plaintiff has obtained a Notice of Right to
23 Sue from the Equal Employment Opportunity Commission, dated April 13, 2023, i.e., plaintiff
24 has exhausted administrative remedies in accord with federal law. This Complaint and Jury
25 Demand is timely filed in accordance with the Notice of Right to Sue which accompanies this
26 Complaint and Jury Demand and is incorporated herein.
27
28

1 harassment which a reasonable woman could readily have found sufficiently egregious and/or
2 offensive to constitute a work environment permeated with sexual hostility. Plaintiff
3 subjectively experienced her work environment to be hostile and/or offensive, “because of
4 sex”, as defined and/or prohibited by 42 U.S.C. 2000e, et seq. Plaintiff’s work environment
5 was rendered sexually hostile by the actions and statements of some of defendant’s employees.
6 For instance, on or about August 26, 2021, Supervisor George Baird made sexually offensive
7 remarks to plaintiff on the work premises and continued to make such remarks after plaintiff
8 instructed him to stop. Mr. Baird made a number of such remarks, e.g., he referenced his
9 genital and instructed plaintiff to commit fellatio. He used colloquial terms which, from a
10 sense of decorum, will not be repeated herein. Mr. Baird contemporaneously exposed his
11 genitals. There is a videotape which memorializes the visual aspects of Mr. Baird’s conduct.
12

13 7. Some of Mr. Baird’s conduct was witnessed by at least one other Luxe Supervisor,
14 e.g., Mr. Lovett. Plaintiff complained to Luxe Operations Manager, Henry Stuckey, of Mr.
15 Baird’s sexual misconduct. Mr. Stuckey refrained from taking appropriate action and
16 trivialized Ms. Keesling’s complaint by noting, “George gets away with everything on
17 property”, or words to that direct effect.
18

19 8. Ms. Keesling reported Baird’s sexual harassment to Operations Manager Henry
20 Stuckey, who failed to cause a timely, adequate investigation to be undertaken, and failed to
21 cause adequate remedial action to be implemented. Instead, Operations Manager trivialized
22 Baird’s conduct by observed, “George gets away with everything on property,” or words to that
23 effect.
24

25 9. Defendant was made aware of the existence of the videotape which memorialize Mr.
26 Baird exposing his genitals to plaintiff. For example, plaintiff spoke with defendant’s IT
27 employee, Jason Johnson, who confirmed the cameras were operative. Plaintiff also spoke
28

1 with Security Supervisor Dina Bogle, who confirmed she had a copy of the video of Baird's
2 conduct. Plaintiff also has a copy. Mr. Baird's genitals are clearly visible. Notwithstanding
3 possession of definitive evidence of gross sexual misconduct (which appears to constitute a sex
4 offense, i.e., an act of Open and Gross Lewdness, which could result in Mr. Baird having to
5 register as a sex offender), defendant failed to undertake a prompt and thorough investigation,
6 or implement adequate remedial action, sufficient to redress past harassment and deter future
7 harassment.
8

9 10. Other managers were aware, e.g., Jeff Livingsto of Operations. Ms. Keesling met
10 with Messrs. Livingston and Lovett – who told plaintiff “not to make a bigger deal than it
11 was.” That is, Baird's conduct, and Ms. Keesling's emotional distress, were trivialized, and
12 then essentially ignored. During this meeting Mr. Lovett threatened to terminate Ms.
13 Keesling's employment. Mr. Brent told plaintiff, “you're a pretty girl in construction, what do
14 you expect?” (or words to that immediate effect). The conduct Ms. Keesling endured at this
15 meeting consstituted additional acts of sexual harassment and contributed to the ambient
16 hostility Ms. Keesling was experiencing.
17

18 11. After the meeting described in paragraph #10, Mr. Baird continued to sexually
19 harass plaintiff, e.g., he told her he was “gonna have you in the bathroom”.
20

21 12. Plaintiff informed defendant's attorney of Mr. Baird's sexually harassing activities
22 in approximately October, 2021.
23

24 13. Ms. Keesling was subsequently subjected to excessive scrutiny.
25

26 14. Mr. Baird's conduct was sufficient severe and threatening, to the point at which his
27 “mere presence” in the work environment caused that environment to be actionable, i.e., to be
28 permeated with sexual hostility to the point at which the terms and conditions of plaintiff's
work enviornment were adversely altered.

1 3. For an award of costs and a reasonable attorney's fee;

2 4. For an award of economic damages according to proof; and

3 5. For such other relief, including injunctive relief, as the Court or jury may deem
4 appropriate, e.g., for an injunction to compel defendant to enforce a reasonable policy against
5 sexual harassment and/or policies against sexual/gender harassment, retaliatory harassment,
6 and retaliation which it claims to enforce.
7

8 DATED this 24th day of May, 2023.

9 /s/ Mark Mausert
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INDEX OF EXHIBITS

April 13, 2023 Issued Notice of Right to Sue Exhibit 1